UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/564,976	04/12/2006	Fumioki Fukatsu	284691US0PCT	4089

22850 7590 06/19/2009

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER	
WIECZOREK, MICHAEL P	

ART UNIT	PAPER NUMBER
1792	

NOTIFICATION DATE	DELIVERY MODE
06/19/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com

Office Action Summary	Application No.	Applicant(s)	
	10/564,976	FUKATSU ET AL.	
	Examiner	Art Unit	
	Michael Wieczorek	1792	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 April 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-9* is/are pending in the application.

4a) Of the above claim(s) *2-9* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *See Continuation Sheet*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :4/12/2006, 9/12/2008, 4/01/2009.

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Group I, claim 1, in the reply filed on April 16, 2009 is acknowledged.

2. Claims 2 through 9 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to nonelected inventions, there being no allowable generic or linking claim.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Matsuishi et al (U.S. Patent # 5,972,457) in view of Ro et al (U.S. Patent Publication No. 2003/0137922).

Matsuishi et al teaches a printable optical recoding medium, thus an information recording medium, having an ink-receiving layer, thus an ink absorbing layer (Abstract).

Matsuishi et al further teaches that the ink-receiving layer comprises hydrophilic particles which absorb water (Column 7 Line 30 through Column 8 Line 18), thus the ink-receiving layer of Matsuishi et al is a water-based ink absorbing layer containing water-absorptive filler.

Matsuishi et al further teaches that the ink-receiving layer is formed from an ultraviolet (UV) curable resin composition (Column 9 Lines 12-44) and that suitable methods of depositing the composition include spin coating (Column 20 Liens 7-19).

Furthermore, Matsuishi et al teaches a method of forming an information recording medium by coating a base material with a UV curable resin to form a ink-receiving layer, thus forming a coated layer, and irradiating the coated layer with UV radiation, thus with an active energy beam, to cure the coated layer and form a ink-receiving layer (Column 29 Lines 3-22).

Matsuishi et al does not teach covering the surface of the coated layer with a cover material and removing the cover material from the coated layer.

Ro et al teaches a method manufacturing optical disks, thus information recording mediums, where a resin material is spin coated onto a substrate to form a layer (Abstract and Page 1 Paragraph 0003). Specifically, Ro et al teaches a method where a resin 35 is deposited onto a base material (in the form of substrate 32 and recording layer 31) to form a coated layer and a cover material or dummy substrate 37 is placed over the coated layer to cover it. Then the coated layer 35 is irradiated with UV light to form a cured layer 40 and after curing the cover material 37 is removed from the cured coated layer 40. (Pages 3 Paragraphs 0037-0038 and Figures 6A-6E).

Furthermore, Ro et al teaches that the advantage of the taught method is that it eliminates a bump of resin material that forms on the circumference of disk substrates during conventional manufacturing of resin based layers for an information recording medium (Page 1 Paragraphs 0008-0009 and Page 2 Paragraph 0014).

Though the method of Ro et al is used to form light transmission layers onto information recording medium substrates and does not explicitly mention using the method to form ink-receiving layers, based on the teachings of the reference it would be apparent to one of ordinary skill in the art that the method taught by Ro et al would be applicable to any UV curable resin composition that is spin coated onto a substrate during the manufacturing of an information recording medium.

At the time the present invention was made it would have been obvious to one having ordinary skill in the art to cover the coated layer with a cover material and then remove the cover material. It would have been obvious to one having ordinary skill in the art to form the UV curable resin based ink-receiving layer of Matsuishi et al with the method taught by Ro et al because the method of Ro et al prevents the formation of bumps that form at the circumferences of disk substrates while forming resin based layers during the manufacturing of information recording mediums.

Thus based on the teachings of Matsuishi et al in view of Ro et al it would have been obvious to one having ordinary skill in the art to produce a water-based ink absorbing layer by first coating the surface of a base material a water-based ink absorbent to form a coated layer, covering the coated layer with a cover material, irradiating the coated layer with an active energy beam to cure it, and then removing the cover material from the coated layer.

Conclusion

Claim 1 has been rejected. Claims 2 through 9 have been withdrawn from consideration as being non-elected inventions. No claims were allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Wieczorek whose telephone number is (571)270-5341. The examiner can normally be reached on Monday through Friday; 7:30 AM to 5:00 PM (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Cleveland can be reached on (571)272-1418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/MPW/

/Michael Wieczorek/
Examiner, Art Unit 1792

/Michael Cleveland/

Supervisory Patent Examiner, Art Unit 1792